Docket No.: LOREAL 3.0-003
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bertrand Lion	
Application No.: 10/735,320	Group Art Unit: 1615
Filed: December 12, 2003	Examiner: B. P. Barham
For: DISPERSIONS OF POLYMERS IN SILICONE MEDIUM, AND COMPOSITIONS COMPRISING THEM	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Dear Madam:

I, Bertrand Lion, declare as follows:

1. I am the sole inventor of the invention described in U.S. Patent Application No. 10/735,320, which I refer to as the '320 Application.

2. I am generally familiar with the prosecution of the '320 Application and the position that the Examiner has taken regarding the patentability of my invention, based on Suzuki, *et al.*, U.S. Patent 5,219,560 ("*Suzuki*") and Torgerson, *et al.*, WO 93/23446 ("*Torgerson*") as evidenced by Mougin, *et al.*, U.S. Patent 5,851,517 ("*Mougin*").

3. An inventive polymer dispersion (Specification, Example 5) and a comparative polymer dispersion were made by me or under my general or direct supervision.

4. The inventive polymer dispersion was made as follows: 200 g of heptane, 200 g of decamethylcyclopentasiloxane, 26 g of methyl acrylate, 14 g of monomethacryloxypropylpolydimethylsiloxane macromonomer (MW = 5,000; MCR-M17 (Gelest Inc.)) and 3.2 g of tert-butyl peroxy-2-ethylhexanoate (Trigonox 21S) were placed in a 1 liter reactor. This reaction mixture was stirred and heated to 90°C over 1 hour. After 15 minutes at 90°C, a change was observed in the appearance of the reaction mixture from a transparent appearance to a milky appearance. Heating with stirring was continued for a further 15 minutes. A mixture consisting of 120 g of methyl acrylate, 40 g of acrylic acid, and 2 g of Trigonox 21S was then added dropwise over 1 hour. Heating was then continued for 4 hours at 90°C. The heptane was distilled from the reaction mixture to leave a stable dispersion of polymer particles in decamethylcyclopentasiloxane.

5. The comparative polymer dispersion was made as follows: 200 g of heptane, 200 g of decamethylcyclopentasiloxane, 30 g of methyl acrylate, 10 g of monomethacryloxypropylpolydimethylsiloxane macromonomer (MW = 5,000; MCR-M17 (Gelest Inc.)) and 3.2 g of tert-butyl peroxy-2-ethylhexanoate (Trigonox 21S) were placed in a 1 liter reactor. This reaction mixture was stirred and heated to 90°C over 1 hour. After 15 minutes at 90°C, a change was observed in the appearance of the reaction mixture from a transparent appearance to a milky appearance. Heating with stirring was continued for a further 15 minutes. A mixture consisting of 160 g of methyl acrylate and 2 g of Trigonox 21S was then added dropwise over 1 hour. Heating was then continued for 4 hours at 90°C. The heptane was distilled from the reaction

mixture to leave a stable dispersion of polymer particles in decamethylcyclopentasiloxane.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 16, 2005

Bertrand Lion

Bertrand Lion